In the High Court of Judicature at Madras

Date : 05..12..2007

Coram :

The Hon'ble Mr. Justice P. JYOTHIMANI

Writ Petition No: 36451 of 2007

C. Loganathan,
No:17, Sampangai Street,
West Mambalam,
Chennai - 603 033. ... Petitioner

-vs-

1. The Chennai Metropolitan Dev.
Authority, rep by the Chief Executive Officer,
Senior Estate Officer,
Thalamuthu Natarajan Building,
No: 1, Gandhi Irwin Road,
Egmore, Chennai - 8.

2. The Sub Registrar,
Registration Department,
Chengelpet. ... Respondents

Writ petition under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the 1st respondent to execute the sale deed on the stamp duty paid on the actual consideration received by them and consequently direct the 2nd respondent to receive the same for registration without insisting stamp duty on the guideline value in respect of EWS Flats/ RBH No: K, Block No: 29/3, N.H.I, Maraimalai Nagar - 603 209.

For petitioner : Mr. S. Ganesan
For 1st resp. : M/s. C. Kathiravan

For 2nd resp. : M/s. V. Balu,
Addl. Govt. Pleader (W)

.. .. ..

O R D E R

The issue involved in this writ petition is covered by the decision rendered by the Division Bench of this Court in the case reported in 1997 (2) C.T.C. 617 (S.P. Padmavathi vs. State of Tamil Nadu) holding that in respect of allotment made by the

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Governmental agencies, there is no concealment of consideration and, therefore, the claim of the stamp duty and existing market value does not arise. It is stated that petitioner is an transferee from the allottee which has been recognised by the 1st respondent and, therefore, it cannot be assumed to be false.

2. Thus, following the decision of the Division Bench cited supra, this writ petition is allowed. No costs.

gp

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

Copy to :

1. The Chief Executive Officer,
Chennai Metropolitan Dev.
Authority,
Thalamuthu Natarajan Building,
No: 1, Gandhi Irwin Road,
Egmore, Chennai - 8.

2. The Sub Registrar,
Registration Department,
Chengelpet.

+ 1 cc to Mr. S. Ganesan, Advocate, SR No.71740

+ 1 cc to Mr. C. Kathiravan, CMDA SR No.71841

+ 1 cc to the Government Pleader, High Court, Madras SR No.71804

MA(CO)
SR/27.12.2007

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